



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,516	06/18/2001	Adam Levine	A34143-072797.0133	4389

21003 7590 03/03/2003

BAKER & BOTTS  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

PAIK, STEVE S

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/883,516

Applicant(s)

LEVINE ET AL.

Examiner

Steven S. Paik

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. Receipt is acknowledged of the Amendment filed on November 29, 2002.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Hagan et al. (US 6,424,830) in view of Roslak (US 5,825,002).

Regarding claims 1-8, O'Hagan discloses a point-of-sale system (Fig. 1 and see col. 4, ll. 12-16) for acquiring bar code data relating to a transaction where a first barcode scanner is arranged to scan bar codes and provides data relating to scanned bar codes to a processor (host computer 16 inherently has a processor), and a second portable bar code scanner (14 in Fig. 2 or 3) including a radio module (radio transceiver 66 in Fig. 4) for acting as a slave unit using a master/slave data communication (between host computer 16 and portable data terminal 14) and a master radio module (within host computer 16) acts as a master (host) for communication with a slave radio module (within a portable data terminal 14) in response to information packets. He does not disclose or fairly suggest the second scanner including an identifying bar code representing an IP address or a network address of the device. Instead, the information packets include a specific and unique IP address or network address for each portable data terminal (14).

Roslak discloses a method for securely updating data in a self-checkout system. A user chooses and activates a portable bar code reader (40) from a plurality of reader slots (34) in the dispenser unit (30). Each of the slots is physically and electronically marked. The electronic marking is provided as a means for *identifying* the location of the bar code reader (40) by the central processor (100). The electronic means may comprise a bar code located on the terminal dispenser. The barcode can be read by the bar code reader and communicated to the central processor (col. 3, ll. 45-50). The barcode reader (40) and a reader slot (34) may be broadly interpreted as one complete reading unit. Roslak further teaches that the system console may be provided with a separate bar code receiver for the purpose of communicating with the bar code reader (40), which implicitly suggest a barcode reader that can be read by the system console. Thus, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to further incorporate a barcode reader identifying code, as taught by Roslak, in addition to the wireless POS system of O'Hagan due to the fact that more efficient and secure wireless communication between a slave device (bar code reader 40) and a master device (central processing system 100) can be achieved by activating a bar code reader (40) when a user authenticates himself/herself at the time of using the bar code reader. Furthermore, the identifying bar code (col. 3, line 45 of Roslak) clearly provides the function of identifying each bar code reader (40) uniquely and individually.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

The applicant's argument has been carefully considered. The examiner respectfully presents a new ground of rejection necessitated by the Amendment filed on November 29, 2002.

The applicant explains in the Amendment on page 3 that the claimed method and apparatus simplifies the process of initiating communication between a master device and a slave device by a radio data communication link. The examiner believes that O'Hagan et al. in view of Roslak reads on the recited claims. O'Hagan et al. teaches a portable data terminal communicating information captured from a barcode wirelessly with a backbone network. Roslak teaches a barcode reader (40) used in a POS system. The barcode reader is a part of a dispensing system (30) that comprises a plurality of slots (34) marked by a unique identifying code such as barcode associating with each of the barcode reader. Therefore, the teachings of O'Hagan et al. in view of Roslak can be applied over claimed limitations recited in the present application.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2876

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 703-308-6190. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7722 for regular communications and 703-308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.

*Steven Paik*

Steven S. Paik  
Examiner  
Art Unit 2876

ssp  
February 14, 2003

  
MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800